

DEMOCRATIC RECESSION IN AFRICA: RETHINKING THE ELECTORAL PRACTICES

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Abstract

The 1990s will be remembered as the era of democratization in Africa. It is during those years that Africa began to shed what was then pervasive one party and/or 'big man' rule. Over the years, the euphoria of 1990s has waned and is now giving way to considerable scepticism. Democracy in much of Africa is constrained from delivering on its development potential for three reasons. First, governance capacity is lacking. Second, the quality of electoral democracy is thin. Finally, neo-patrimonialism undermines electoral democracy in Africa. The problem is that elections do not necessarily translate into democracy. Nonetheless, to deepen democracy in Africa the quality of elections is absolutely essential, because there is a connection between elections and democratic stability. The irony of the epoch is that while liberal democracy remains blocked, electoral democracy which is loudly touted is, itself, failing. Hence, in this paper we shall review the electoral practices in Africa; with a view of fostering the recent issue of democratic recession in Africa, echoed amongst scholars. This paper will clearly reveal the clandestine approach, with a 'seeming' cloak of democracy, adopted by autocrats to overrun the democratic ethos of elections in Africa. We provide the taxonomy of rigging strategies and relate these to election processes in Africa, to help policymakers and other relevant stakeholders alter or adapt their approaches to election in complex contexts.

1.0 Introduction

Over the years, the euphoria of the democratization in Africa in the 1990s has waned and is now giving way to considerable scepticism. What was earlier believed to be the rise of liberal democracy embodying; regular free, fair and peaceful elections, civic and human right, as well as enhanced transparency and accountability in government, has been reduced to 'electoral democracy' with an exclusive preoccupation with elections. This, in turn, has led to considerable frustration and disillusionment on the part of the people with growing numbers staying away from the polls reflecting growing voter apathy. The irony of the epoch is that while liberal

democracy remains blocked, electoral democracy which is loudly touted is, itself, failing.¹ Hence, in this paper we shall review the electoral processes and practices in Africa; with a view of fostering the recent issue of democratic recession in Africa amongst scholars. This paper will clearly reveal the clandestine approach, with a ‘seeming’ cloak of democracy, adopted by autocrats to overrun the democratic ethos of elections in Africa.

2.0 Theoretical Framework

Huntington conspicuously identified three waves of democratisation and two waves of reversals.² His five wave schema is: first, long wave of democratisation (1828-1926); first reverse wave (1922-42); second, short wave of democratisation (1943-62); second reverse wave (1958-75); third wave of democratisation (1974-).³ The first wave has its roots in the French and American revolutions of the eighteenth century which culminated in the actual manifestation of democratic institutions in the nineteenth century underlined by the expansion of suffrage and other negative rights. But each wave had its reverses and the first wave suffered a setback with authoritarian backlash in countries such as Italy, Lithuanian, Poland, Latvia, Estonia, Greece and Portugal. According to Huntington,⁴ ‘these regime changes reflected the rise of communist, fascist, and militaristic ideologies.’ The second wave was birthed in the crucibles of World War II. Allied occupation promoted the inauguration of democratic institutions in West Germany, Italy, Austria, Japan and Korea. Other countries such as Uruguay, Brazil, Costa Rica, Argentina, Colombia, and Peru in Latin America were not left out. Former colonial territories which gained self-determination from the contradictory dynamics of World War II also surged towards democracy. Malaysia, India, Sri Lanka, the Philippines in Asia and African countries like Sudan, Ghana, Guinea and Nigeria began independent life on a democratic note. Like the first wave, the second wave also had its reverses. From the 1960s on, there was a spate of backsliding into authoritarianism. This trend took the form of state level militarisation a *la coup d’état*. From

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¹MwesigaBaregu, *Democratic Recession in Tanzania: Blocked Transition, Legitimacy Crisis and Vanishing Voters* (African Research and Resource Forum (ARRF) undated) 2

² See SP Huntington, *The Third Wave of Democratization in the Late Twentieth Century* (University of Oklahoma Press 1991)

³Ibid; see also SO Akhaine, ‘The Third Wave Democracy Discourse: Is there a Fourth or Fifth Wave?’ [2010] (14) *Politics and International Relations Working Paper*; 2

⁴Huntington, *The Third Wave* supra 18

Latin America, Asia, Europe to Africa, with a few exceptions, governance was reduced to military models.⁵The third wave of democratisation is an on-going wave. Huntington locates its beginning in 1974 with the end of Greek and Spanish despotic regimes. This wave staggered into Latin America, noted for its ‘cordillos’ (sort of personalised despots), Asia and Africa in the decade of the seventies and eighties. The late eighties, the second phase, which witnessed the collapse of former communist states has been its climax, and indeed created the *zeitgeist* for studies in democratisation. By 1990, Huntington opines, ‘close to 39 per cent of humankind lived in free societies.’⁶

In the seminal work of Lührmann and Lindberg,⁷ they reveal a new measure of autocratization episodes, which picks up from Huntington’s two reverse waves and they demonstrate that a third wave of autocratization is now unfolding. For the precise delineation of the reverse waves – or waves of autocratization – Lührmann and Lindberg deviated slightly from Huntington’s original approach in order to reflect their conceptual and methodological innovations. The reasons for this deviation seem quite obvious. First, they take as their point of departure democracy in Dahl’s understanding; as ‘polyarchy’.⁸They opine that Dahl’s seven (later collapsed to six) institutional requirements is much more ambitious, and demanding, than Huntington’s Schumpeterian measure focusing on competition.⁹Second, they were concerned with the gradual move away from democracy. Huntington focused in his 1991 book on the crisp distinctions of democratic transitions and breakdowns. He speaks of a democratization wave when the transitions to democracy as events outnumber the democratic breakdowns.¹⁰Their approach better captures the empirical realities – in particular during recent decades – that regime change is typically gradual and slowly leading to hybridization into electoral authoritarianism instead of sudden, dramatic transitions.¹¹

⁵Ibid; see also SP Huntington, ‘Democracy's Third Wave’ [1991] (2)(2) *Journal of Democracy*; 18, 20-22

⁶Huntington, *The Third Wave* supra 21

⁷Anna Lührmann and SI Lindberg, ‘A Third Wave of Autocratization is here: What is New about it?’ [2019] (26)(7) *Democratization*; 1095–1113

⁸ Ibid 1096 - Their notion of democracy is based on Dahl’s famous conceptualization of electoral democracy as ‘polyarchy’, namely clean elections, freedom of association, universal suffrage, an elected executive, as well as freedom of expression and alternative sources of information; see RA Dahl, *Polyarchy: Participation and Opposition* (Yale University Press 1971); RA Dahl, *Democracy and its Critics* (Yale University Press 1989); and RA Dahl, *On Democracy* (Yale University Press 1998)

⁹Ibid; for a similar point see RenskeDoorenspleet, ‘Reassessing the Three Waves of Democratisation’ [2000] (52)(3) *World Politics*; 384-406

¹⁰Huntington, *The Third Wave* supra 16

¹¹ See Lührmann and Lindberg, ‘A Third Wave of Autocratization is here’ supra

Scholars agree that contemporary democracies tend to erode gradually and under legal disguise.¹² Democratic breakdowns used to be rather sudden events – for instance military coups – and relatively easy to identify, empirically.¹³ Now, multi-party regimes slowly become less meaningful in practice¹⁴ making it increasingly difficult to pinpoint the end of democracy. Ruling elites shy away from sudden, drastic moves to autocracy and instead mimic democratic institutions while gradually eroding their functions. It is noted that there were 32 autocratization episodes in the first wave; 62 episodes during the second reversed wave; and 75 episodes occurring since the start of the third wave.¹⁵ This reflects the trend that even in the authoritarian regime spectrum multi-party elections have become the norm.¹⁶ Noteworthy are the many (60) episodes of autocratization in Africa, most of which occurred in electoral autocracies where autocratization dissipated initial democratic gains.¹⁷

Many have noted that the optimism spurred by the force of the third wave of democratization¹⁸ was premature, including Fukuyama's¹⁹ relegation of the reverse process – autocratization – to the history books.²⁰ A plethora of autocracies defied the trend²¹ or have made some half-hearted reforms while remaining in the grey zone between democracy and autocracy.²² An increasingly bleak picture is emerging on the global state of democracy,²³ even if some maintain that the achievements of the third wave of democratization are still

¹² See N Bermeo, 'On Democratic Backsliding' [2016] (27)(1) *Journal of Democracy*; 5–19; D Runciman, *How Democracy Ends* (Profile Books 2018)

¹³ JJ Linz, *The Breakdown of Democratic Regimes - Crisis, Breakdown, & Re-equilibration* JJ Linz and A Stepan (eds.) (The Johns Hopkins University Press 1978)

¹⁴ See A Lührmann, V Mechkova, S Dahlum, L Maxwell, M Olin, CS Petrarca, R Sigman, MC Wilson and SI Lindberg, 'State of the World 2017: Autocratization and Exclusion?' [2018] (25)(8) *Democratization*; 1321–1340

¹⁵ Lührmann and Lindberg, 'A Third Wave of Autocratization is here' supra 1103; 48 cases occurred in-between the waves

¹⁶ See S Levitsky and LA Way, *Competitive Authoritarianism: Hybrid Regimes after the Cold War, Problems of International Politics* (Cambridge University Press 2010); A Schedler, *The Politics of Uncertainty: Sustaining and Subverting Electoral Authoritarianism* (Oxford University Press 2013)

¹⁷ Lührmann and Lindberg, 'A Third Wave of Autocratization is here' supra 1102

¹⁸ Huntington, *The Third Wave* supra

¹⁹ Fukuyama, *The End of History and the Last Man* (Free Press 1992)

²⁰ Lührmann and Lindberg, 'A Third Wave of Autocratization is here' supra 1096-97

²¹ MW Svobik, *The Politics of Authoritarian Rule* (Cambridge University Press 2012)

²² Larry Diamond, 'Thinking about Hybrid Regimes' [2002] (13)(2) *Journal of Democracy*; 21–35; Schedler, *The Politics of Uncertainty* supra

²³ J Kurlantzick, *Democracy in Retreat: The Revolt of the Middle Class and the Worldwide Decline of Representative Government* (Yale University Press 2013); Larry Diamond, 'Facing up to the Democratic Recession' [2015] (26)(1) *Journal of Democracy*; 141–155; S Levitsky and D Ziblatt, *How Democracies Die* (Penguin Books 2018)

noticeable.²⁴Waldner and Lust recently concluded that ‘[t]he study of [democratic] backsliding is an important new research frontier.’²⁵ A series of new studies on autocratization seems to have generated an emerging consensus on one important insight: the process of autocratization seems to have changed. Bermeo for example suggests a decline of the ‘most blatant forms of backsliding’ – such as military coups and Election Day vote fraud.²⁶ Conversely, more clandestine ways of autocratization – harassment of the opposition, subversion of horizontal accountability – are on the rise.²⁷Svolik similarly argues that the risk of military coups has declined over time in new democracies, while the risk of self-coups remains.²⁸ Contemporary autocrats have mastered the art of subverting electoral standards without breaking their democratic façade completely.²⁹ Some have labelled this phenomenon ‘illiberal democracy’.³⁰ Hence, as of 2017 a majority of countries still qualify as democracies (56%) and the most common form of dictatorship (32%) are the electoral autocracies.³¹

The dominance of multi-party electoral regimes made other analyst posit that democracy as a global norm after the end of the Cold War³² continues to shape expectations and behaviour even of autocrats.³³ If that is true, it does not come as a surprise that sudden reversals to authoritarianism have grown out of fashion since they involve the abolishment of multi-party elections in a coup. Such evident violations of democratic norms carry with them high legitimacy costs.³⁴Such obvious violations have triggered mass protests leading up to the colour

²⁴V Mechkova, ALührmann and SI Lindberg, ‘How Much Democratic Backsliding?’ [2017] (28)(4) *Journal of Democracy*; 162–169

²⁵D Waldner and E Lust, ‘Unwelcome Change: Coming to Terms with Democratic Backsliding’ [2018] (21)(1) *Annual Review of Political Science*; 93, 106

²⁶Bermeo, ‘On Democratic Backsliding’ supra 6

²⁷Ibid 14; Diamond, ‘Facing up to the Democratic Recession’ supra

²⁸MW Svolik, ‘Which Democracies will last? Coups, Incumbent Takeovers and the Dynamic of Democratic Consolidation’ [2015] (45)(4) *British Journal of Political Science*; 715–738

²⁹See Levitsky and Way, *Competitive Authoritarianism* supra; Schedler, *The Politics of Uncertainty* supra

³⁰See FareedZakaria, *The Future of Freedom: Illiberal Democracy at Home and Abroad* (WW Norton and Co. 2007)

³¹A Lührmann, M Tanneberg and S Lindberg, ‘Regimes of the World (RoW): Opening New Avenues for the Comparative Study of Political Regimes’ [2018] (6)(1) *Politics and Governance*; 60–77

³²SD Hyde, *The Pseudo-democrat’s Dilemma: Why Election Observation Became an International Norm* (Cornell University Press 2011); Pippa Norris, ‘Does the World Agree About Standards of Electoral Integrity? Evidence for the Diffusion of Global Norms’ [2013] (34)(4) *Electoral Studies*; 576-588

³³ See Larry Diamond, ‘The Liberal Democratic Order in Crisis’ [2018] *The American Interest*<<https://www.theamerican-interest.com/2018/02/16/liberal-democratic-order-crisis/>> accessed 14 August 2020

³⁴Schedler, *The Politics of Uncertainty* supra

revolutions³⁵ or worse still, an actual revolution or military coup; as in the recent situation in Mali.³⁶ Likewise, the international community tends to sanction political leaders who explicitly disrespect electoral results, and international aid is often conditioned on a country holding multiparty elections.³⁷ For instance, after the Gambian elections in 2016, president Jammeh's refusal to accept defeat was quickly met with a military intervention from neighbouring countries – forcing him into exile.³⁸ The same seems to apply for military coups – which might explain the sharp drop of coups in recent decades.³⁹ A gradual transition into electoral authoritarianism is more difficult to pinpoint than a clear violation of democratic standards, and provides fewer opportunities for domestic and international opposition. Electoral autocrats secure their competitive advantage through subtler tactics such as censoring and harassing the media, restricting civil society and political parties and undermining the autonomy of election management bodies. Aspiring autocrats learn from each other⁴⁰ and are seemingly borrowing tactics perceived to be less risky than abolishing multi-party elections altogether. Thus, the literatures on autocratization as well as on the global rise of multiparty elections suggest that the current wave of autocratization unfolds in a more clandestine and gradual fashion than its historical precedents.

To provide a comprehensive definition of autocratization processes, Lüthmann and Lindberg used the term 'democratic recession' to denote autocratization processes taking place within democracies; 'democratic breakdown' to capture when a democracy turns into an autocracy; and

³⁵ See VJ Bunce and SL Wolchik, 'Defeating Dictators: Electoral Change and Stability in Competitive Authoritarian Regimes' [2010] (62)(1) *World Politics*; 43–86

³⁶ On March 26 2020, veteran opposition leader Soumaila Cisse was abducted by unidentified gunmen along with six members of his team while campaigning just days before the long-delayed parliamentary election. These and many more obvious actions by the incumbent coupled with the popular opinion that the elections that saw the re-election of President Ibrahim Boubacar Keita in 2018 was marred by obvious irregularity led a civil unrest and the recent coup in Mali despite regional mediation attempts; see Admin, 'Mali Crisis: From Disputed Election to President's Resignation' [August 19 2020] *Aljazeera* <<https://www.aljazeera.com/news/2020/08/mali-crisis-disputed-election-president-detention-200818174521078.html>> accessed 19 August 2020

³⁷ NK Kim and A Kroeger, 'Rewarding the Introduction of Multiparty Elections' [2017] (49) *European Journal of Political Economy*; 164–181

³⁸ See Ken Kamara, 'New Era Begins in Gambia as Yahya Jammeh Leaves for Life in Exile' [January 22 2017] *African Courier* <<https://www.theafricancourier.de/africa/gambia-new-era-begins-as-jammeh-leaves-for-new-life-in-exile/>> accessed 14 August 2020

³⁹ Bermeo, 'On Democratic Backsliding' *supra*

⁴⁰ SGF Hall and T Ambrosio, 'Authoritarian Learning: A Conceptual Overview' [2017] (33)(2) *East European Politics*; 143–161

autocratic consolidation as designation for gradual declines of democratic traits in already authoritarian situations. These are reflect in the figure below:⁴¹

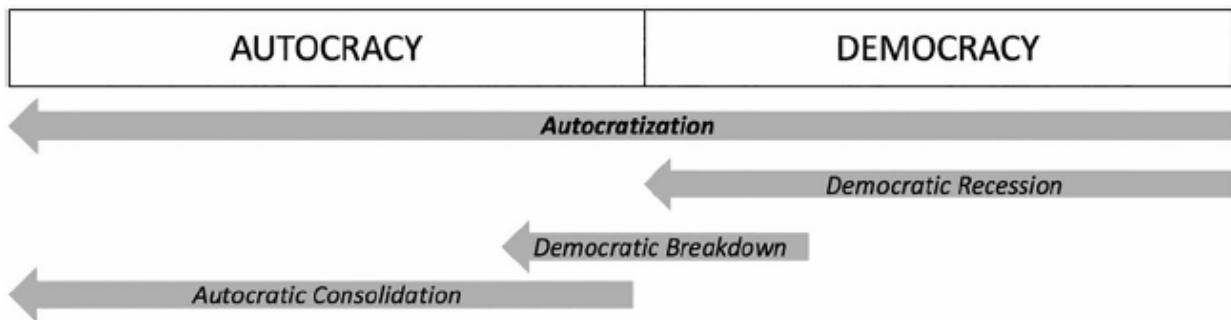


Figure 1

In other words, ‘democratic recession’ is the first and only stage of the autocratization process feasible within a ‘democratic society’. But if not addressed can result in ‘democratic breakdown’, and in the worst case scenario, ‘autocratic consolidation’.

Case-based literature suggests that incumbents behind the current processes of autocratization are using mostly legal means and that illegal power grabs have become less frequent. Lührmann and Lindberg test this proposition by distinguishing between three different types of autocratization strategies based on how they abolish or undermine democratic institutions.⁴² The first and second waves of reversals were almost completely dominated by the ‘classic’ form of autocratization tactics of illegal access to power, such as a military coup or foreign invasion, and by *autogolpes* (self-coup), where the chief executive comes to power by legal means but then suddenly abolishes key democratic institutions such as elections or parliaments. The paradigmatic example of an *autogolpe* is president Fujimori’s suspension of the Peruvian constitution and parliament in 1992.⁴³ Even Hitler came to power by legal means and then disposed democratic institutions with the *Ermächtigungsgesetz* (Enabling Act) in 1933.⁴⁴ The modal tactic during the third and current wave of democratic reversal entails ‘democratic erosion’. Here, incumbents legally access power and then gradually, but substantially, undermine democratic norms without abolishing key democratic institutions. Aspiring autocrats have clearly

⁴¹Lührmann and Lindberg, ‘A Third Wave of Autocratization is here’ supra, 1099-1100

⁴²Ibid 1104

⁴³HM Lentz, *Heads of States and Governments: A Worldwide Encyclopedia of Over 2,300 Leaders, 1945 through 1992* (McFarland & Company 1994)

⁴⁴See The Wiener Holocaust Library, ‘How did the Nazi consolidate their Power?’ [undated] *The Holocaust Explained* <<https://www.theholocaustexplained.org/the-nazi-rise-to-power/how-did-the-nazi-gain-power/the-enabling-law/>> accessed 14 August 2020

found this to be the new and most clandestine set of tools to stay in power, and that news has spread. In fact, the way incumbents undermine democracy has become more informal and clandestine. Most regimes – even autocracies – hold some form of multiparty elections. Sudden and illegal moves to autocracy tend to provoke national and international opposition. Contemporary autocrats have learned their lesson and thus now proceed in a much slower and much less noticeable way than their historical predecessors. Thus, while democracy has undoubtedly come under threat, its normative power still seems to force aspiring autocrats to play a game of deception.⁴⁵

3.0 ‘Democratic’ Elections in Africa

Democracy in much of Africa is constrained from delivering on its development potential for three reasons. First, governance capacity is lacking. Second, the quality of electoral democracy is thin. Finally, neo-patrimonialism undermines electoral democracy in Africa.⁴⁶ Thus, the conventional wisdom holds that, despite the political overture of the 1990s, there is no place for democracy in Africa because of one-party dominance, restriction of civil liberties, monopolisation of the means of mass communication, marginalisation of civil society, detrimental economic indicators and disrupting foreign interference.⁴⁷ The problem is that elections do not necessarily translate into democracy. Nonetheless, to deepen democracy in Africa the quality of elections is absolutely essential, because there is a connection between elections and democratic stability. Elections are only a small fraction of democratic requirements. Democracy transcends notions of the frequency and the number of elections. It involves open, competitive and meaningful electoral politics, which survives over a long period of time. This is quality of election seems to be an illusion in Africa, as “many [African] citizens are beginning to perceive that democracy (and elections) has distinctive shortcomings including unruly political discourse, a poor record of service delivery, and new opportunities for corruption.”⁴⁸ Following this line of argument developed by political scientists closely studying African politics, Joseph maintains that, in Africa, “the prime purpose of elections will remain the legitimization of whatever regime that currently holds governmental power ... [and] are far from

⁴⁵Lührmann and Lindberg, ‘A Third Wave of Autocratization is here’ *supra*, 1108

⁴⁶ Jakkie Cilliers, “The Future of Democracy in Africa” [October 2016] (19) *African Futures Paper*; 1

⁴⁷ Larry Diamond, “The State of Democracy in Africa” in National Intelligence Council (ed.), *Democratization in Africa: What Progress toward Institutionalisation?* (NIC Conference Report 2008) 7-9

⁴⁸ M Bratton, “Institutionalising Democracy in Africa: Formal or Informal?” [2007] *being a paper presented at the Princeton Institute for International and Regional Studies, United States*; 5

being autonomous operations: they reflect the character of the political order and especially the degree of risk incumbents are willing to tolerate.”⁴⁹

According to these political scientists, African elections are, in simple terms, ‘window-dressing rituals’ with no real political meaning other than the stuffing of the ballot boxes behind closed doors. They are just administrative formalities which have become standard ‘signs of good conduct’ adopted by African governments from Western states and international institutions on which they are financially and politically dependent.⁵⁰ Doubts have even sprung up whether multiparty systems are altogether appropriate to the highly divided societies of Africa,⁵¹ and cynicism has won the day with contentions that, in Africa, ‘a flawed election may be preferable to no election at all.’⁵² More expressively, Chabal⁵³ opined that multiparty competition has not improved accountability –with the exception of Botswana and most notably the island states of Cape Verde and Mauritius– and that it has not led to more sustained economic development. Incumbent African regimes have become adept at interfering in the electoral process. Most African leaders invest significant resources in ensuring a favourable electoral outcome by constraining the democratic space. This is done by rigging the registration process, running interference (by tying opposition candidates down in spurious legal cases or barring public gatherings), misusing state resources to dispense patronage, controlling the diet of information (particularly through the abuse of public media in favour of the ruling party) and, if all else fails, directly manipulating the results or frustrating any subsequent legal challenge. This happened twice in August 2016, in Zambia and oil-rich Gabon, as presidents Edgar Lungu and Ali Bongo ensured their re-election in what were essentially stolen elections.⁵⁴ One of the most

⁴⁹ R Joseph (ed), *State, Conflict and Democracy in Africa* (Boulder: Lynne Rienner 1999) 11

⁵⁰ S Adejumobi, “Elections in Africa: A Fading Shadow of Democracy?” [2000] (21)(1) *International Political Science Review*; 59, 66

⁵¹ T Young, “Elections and Electoral Politics in Africa” [1993] (63)(3) *Africa: Journal of the International African Institute*; 299, 301

⁵² D Anglin, “International Election Monitoring: The African Experience” [1998] (97)(389) *African Affairs*; 471, 474

⁵³ P Chabal, “Can Democracy Prevent Conflicts in Africa?” [2001] *being a paper presented at the Bergen Seminar on Development, Norway*; 3

⁵⁴ See Cilliers, “The Future of Democracy in Africa” *supra*, 2 - In Gabon the incumbent, Ali Bongo Ondimba, son of the previous ruler of some 41 years, Omar Bongo, ‘won’ with 49.8% of the vote, while the presidential candidate of the Démocratie Nouvelle party, Jean Ping, received 48.23%, after the delivery of implausible results that boosted the national voter turnout from 59.46% to 99.93% in Haut-Ogooué, where Bongo won 95.5% of the votes cast. In Zambia numerous malpractices and irregularities were reported, to the extent that organisations such as the Electoral Institute for Sustainable Democracy reported that there was no level playing field. President Edgar Lungu, of the Patriotic Front, was eventually declared winner

infamous examples of election fraud occurred in December 2007 in Kenya when incumbent president Mwai Kibaki was declared the winner despite blatant electoral manipulation, events that were preceded and followed by widespread violence between Kikuyus, Luos and Kalenjins.⁵⁵

While the holding of regular elections in Africa is on an upward trajectory, there are worrying trends in incumbents' clinging to power and blocking executive rotation or replacement. Presidents Pierre Nkurunziza of Burundi, Dennis Sassou Nguesso of Congo-Brazzaville and Paul Kagame of Rwanda, to mention but a few, all amended their constitutions to allow for unlimited presidential incumbency.⁵⁶ Many elections in Africa are deceptive events where the governing elite go through the motions but ensure the re-election of the governing party and its preferred candidate. Most African governments (as in poor countries elsewhere in the world) are classified as neo-patrimonial (an informal system where patrons use state resources to secure loyalty) and/or rent seeking, but the resilience of neo-patrimonial practices as part of Africa's democratisation has been remarkable. As Englebert and Dunn⁵⁷ suggest:

One of the most remarkable characteristics of contemporary African politics is indeed the degree to which authoritarian neo-patrimonial regimes have been able to adapt to the formal trappings of electoral democracy. Thus, to a large extent, neo-patrimonialism has proved compatible with democracy rather than having dissolved in it. It has endured and reproduced despite a generalized change in the formal rules of politics.⁵⁸

The obvious problem with this situation is that there is no alternative to elections (aka some form of electoral democracy) as a means to determine the 'will of the people', yet the institutions required to support such a system are absent. The result is a choice between violent and disruptive elections or clandestine deceptive elections, or an admixture of both.

4.0 Electoral Practices and Machinations in Africa

with 50.35% of the vote, with a lead of 100 530 over rival Hakainde Hichilema, of the United Party for National Development.

⁵⁵ Ibid

⁵⁶ See Osazee D Egbenusi and Bright E Enorenseeghe, "Ex-military Leaders and Electoral Politics in Africa: Challenges and Term Limits Dilemma" [2020] (2)(1) *Benin Bar Law Journal*

⁵⁷ P Englebert and K Dunn, *Inside African politics* (Cape Town: University of Cape Town Press 2014)

⁵⁸ Ibid, 191

Observers of politics and promoters of democracy in African countries face a puzzle. Though ‘more elections are taking place on the continent than ever before,’⁵⁹ Africa is facing a third wave of democratic recession.⁶⁰ But in contrast to the military coups of the past, since the mid-1990s, it is the erosion of democratic institutions in many countries that is leading to autocratization.⁶¹ Elections are the most observable aspect of democratic institutions. Virtually every African country now holds elections on a regular basis, and a number of documents – most notably the African Union’s African Charter on Democracy, Elections and Governance – nominally commit countries in the continent to electoral democracy.⁶² Elections are increasingly stage-managed processes to re-elect the incumbents, hence the notorious longevity in power of African leaders: six of the world’s ten longest-serving presidents are in Africa.⁶³ More elections are being held, but more elections are also being rigged.⁶⁴ Though the day of election is the most visible part of an election process, much takes place between, during and after elections to skew outcomes. The Varieties of Democracies (V-Dem) 2019 report⁶⁵ presents data on elections taking place globally and finds that swaying elections – including restricting media freedom – has been increasingly prevalent over the past decade. It cites government manipulation of media, civil society, rule of law and elections as number one challenge.⁶⁶ The challenge with elections is not only breaches to the rules of the game, but also the nature of the rules and whether incumbents get to shape them unchecked.

Researchers have shown that foreign aid in general helps incumbents win elections by directing it towards their constituencies (to reinforce their voter base) or towards ‘swing’ areas likely to vote in favour of the incumbent.⁶⁷ More specifically, donor democracy support efforts can play against democracy, for example when they result in legitimising skilful semi-

⁵⁹ See W Gumedé, ‘Africa: The Democracy we Want’ [2017] *All Africa* <<https://allafrica.com/stories/201704030173.html>> accessed 17 August 2020

⁶⁰ Lührmann and Lindberg, ‘A Third Wave of Autocratization is here’ supra

⁶¹ Ibid

⁶² Martin Ronceray and Bruce Byiers, ‘Elections in Africa – Playing the Game or Bending the Rules?’ [2019] (261) *The European Centre for Development Policy Management (ECDPM) Discussion Paper*; 4

⁶³ Egbenusi and Enorenseeghe, ‘Ex-military Leaders and Electoral Politics in Africa’ supra

⁶⁴ N Cheeseman and B Klaas, *How to Rig an Election* (Yale University Press 2018)

⁶⁵ V-Dem Institute - Varieties of Democracy, *Annual Democracy Report: Democracy Facing Global Challenges* (V-Dem Institute 2019) <https://www.v-dem.net/media/filer_public/99/de/99dedd73-f8bc-484c-8b91-44ba601b6e6b/vdem_democracy_report_2019.pdf> accessed 17 August 2020

⁶⁶ Ibid

⁶⁷ RS Jablonski, ‘How Aid Targets Votes: The Impact of Electoral Incentives on Foreign Aid Distribution’ [2014] *World Politics*

authoritarians intent on using elections to validate their rule.⁶⁸ Research suggests that recipients often ‘play the game better’, and ‘manage donor perceptions’ strategically;⁶⁹ an example includes Uganda’s self-portrayal as a fragile state⁷⁰ and an ally of the West in ‘the war on terror’ in Somalia, to avoid being questioned on its democratic recession.⁷¹ African leaders are well-aware that they can refuse electoral support that might undermine their hold on power, and accept only that which they can use to their benefit. Thus, by choosing who they engage with on which issue, incumbents are often one step ahead of their democracy-supporting partners.

In a recent work,⁷² Ronceray and Byiers identify the means through which different actors and factors bias election outcomes and the ongoing trends. They opine that strategies to sway elections can be analysed sequentially: between elections; during elections; and after elections. They include changing the formal rules of the game, for example by amending presidential term limit or redrawing electoral districts through a legal process; ‘informal’ strategies which go beyond the realms of the legal process, such as behind-the-stage power-sharing schemes; and straightforwardly illegal rigging tactics such as ballot-box stuffing.⁷³ Most of these strategies reduce the odds of a really competitive election leading to representative politics.⁷⁴ Ronceray and Byiers analysis draws and builds on the election rigging taxonomy presented by Cheeseman and Klaas.⁷⁵ For ease of analysis, the machination of electoral processes in Africa is succinctly captured in the infographics below:

⁶⁸T Carothers and D De Gramont, *Development Aid Confronts Politics: The Almost Revolution* (Brookings Institution Press 2013)

⁶⁹ A Fraser and L Whitfield, ‘The Politics of Aid: African Strategies for Dealing with Donors’ [2008] *Global Economic Governance Programme Working Papers*

⁷⁰J Fisher, ‘When it pays to be a “Fragile State”’: Uganda’s Use and Abuse of a Dubious Concept’ [2014] (35) *Taylor & Francis Online - Journal Third World Quarterly* <<https://www.tandfonline.com/doi/abs/10.1080/01436597.2014.878493>> accessed 18 August 2020

⁷¹J Fisher, ‘Managing Donor Perceptions: Contextualizing Uganda’s 2007 Intervention in Somalia’ [June 2018] <https://www.researchgate.net/publication/270777955_Managing_Donor_Perceptions_Contextualizing_Uganda's_2007_Intervention_in_Somalia> accessed 18 August 2020

⁷²Ronceray and Byiers, ‘Elections in Africa’ *supra*

⁷³ *Ibid* 1

⁷⁴ *Ibid* 7

⁷⁵Cheeseman and Klaas, *How to Rig an Election* *supra*

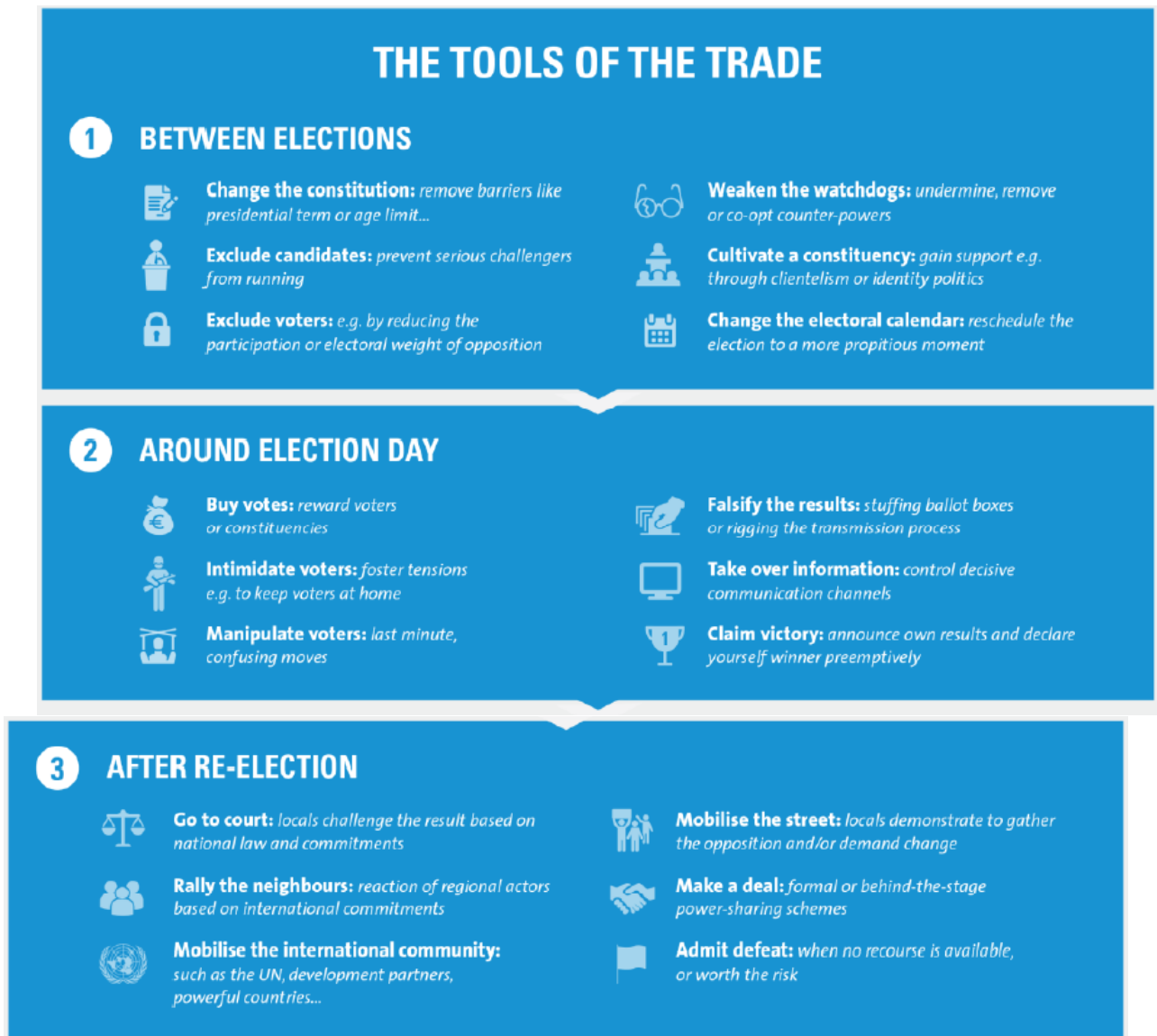


Figure 2⁷⁶

4.1. Between Elections

Election day may be the key moment in electoral processes, but strategies to shape their outcomes begin long before election day. Most common amongst these strategies are:

- 1. Changing the Constitution:** A first strategy for election rigging is to change the ‘rules of the game’. While many of the strategies discussed in this paper are also available to the challengers, incumbents have more power to nudge participants or reset the rules of the game to give them an edge in the coming election. This is especially so in competitive authoritarian states where elections are somewhat contested but checks on

⁷⁶Ronceray and Byiers, ‘Elections in Africa’ supra 8

power are limited. If the rule of the game can be changed to be favourable, there is less need to cheat. But rules such as presidential term and age limits categorically prevent incumbents from staying in power. Changing the constitution and electoral laws has therefore been part of the re-election strategy of many different incumbents, across and beyond Africa, with a diversity of results, reflected in the trend of the so-called ‘third termism’.⁷⁷ Wiebusch and Murray⁷⁸ count 47 changes to presidential terms limits (including age limits) and six failed attempts in the years 2000-2018, over 28 African countries – this is summarised and updated in Figure 3 below:

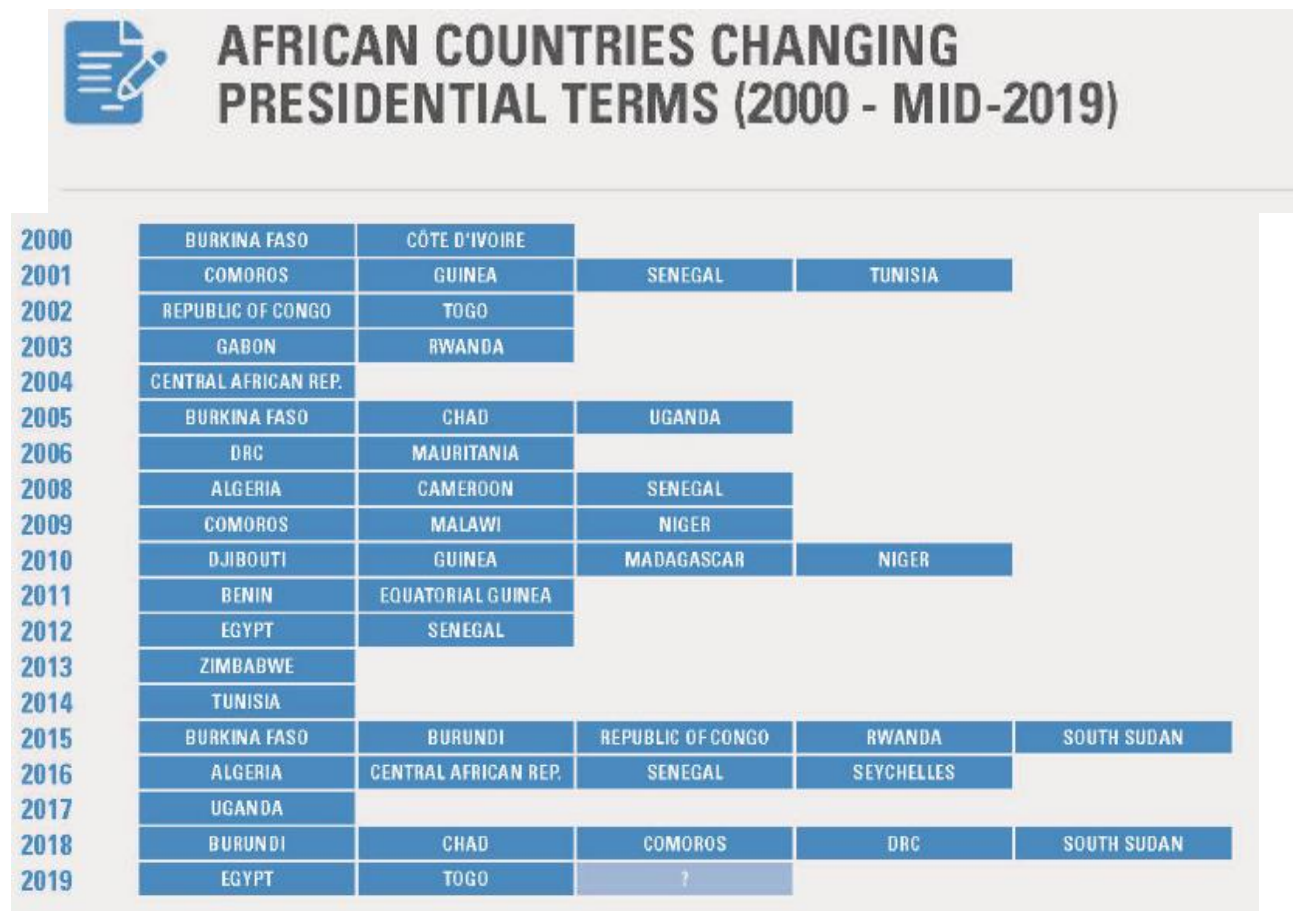


Figure 3⁷⁹

2. Exclude Candidates: Beyond or sometimes in parallel with constitutional amendments, a frequent electoral tactic is to exclude possible rivals from standing for

⁷⁷Egbenusi and Enorenseeghe, ‘Ex-military Leaders and Electoral Politics in Africa’ supra

⁷⁸M Wiebuschand C Murray, ‘Presidential Term Limits and the African Union’[2019] (63)(1) *Journal of African Law*; see also *ibid*

⁷⁹Wiebuschand Murray, ‘Presidential Term Limits’ supra; see Ronceray and Byiers, ‘Elections in Africa’ supra, 9-10

election, either individually as members of a given party or on the basis of identity.⁸⁰ Other strategies for excluding candidates include the literal application of laws,⁸¹ blocking measures (which can be technical or judicial),⁸² or more radically, banning political parties altogether.⁸³ An additional tactic sometimes used is to introduce token candidates to give an image of pluralism without taking risks. Allegedly, elections in Somalia even saw a candidate running against his own maid.⁸⁴

3. Exclude Voters: Voters are more likely to be excluded from elections, in opposition-dominated areas especially, than candidates.⁸⁵ The main technique is to remove voters name from electoral registers and place administrative barriers between them and the polling station.⁸⁶ A technique used to ensure that votes in opposition constituencies do not carry the same weight, hence *de facto* excluding voters from full participation commonly called ‘gerrymandering’ (or mal-apportionment); where changing the geography of electoral districts results in altogether different election outcomes.⁸⁷ Importantly, voters could also be excluded by creating a climate of tension and violence which discourages them from leaving their homes to vote.

4. Weaken the Watchdogs: These watchdogs include electoral commissions, independent courts, the media, anti-corruption agencies, civil society organizations, and election observation missions among others. A strategy to sway elections can therefore also involve muzzling these watchdogs or otherwise undermining them. These strategies include influencing the composition of the EMB,⁸⁸ eliminating judicial supervision over

⁸⁰For example, in 1995, the Ivorian National Assembly passed a law so that anyone with a foreign-born parent or not living in the country continuously for the previous five years would be barred from running for elections, which seemed to target the incumbent at the time. See Ronceray and Byiers, ‘Elections in Africa’ supra 11

⁸¹Cheeseman and Klaas, *How to Rig an Election* supra

⁸²See Freedom House, ‘Freedom in the World: 2019 Report, Senegal’ [2019] <<https://freedomhouse.org/report/freedom-world/2019/senegal>> accessed 18 August 2020

⁸³All Africa, ‘Ethiopia’s Blacklist Groups: Terrorists or Activists?’ [June 22 2018] *All Africa* <<https://allafrica.com/stories/201806220606.html>> accessed 18 August 2020

⁸⁴J Gettleman, ‘Fueled by Bribes: Somalia’s Election Seen as Milestone of Corruption’ [February 7 2017] *The New York Times* <https://www.nytimes.com/2017/02/07/world/africa/somalia-electioncorruption.html?ref=world&_r=0> accessed 18 August 2020

⁸⁵Cheeseman and Klaas, *How to Rig an Election* supra

⁸⁶For example, requiring that voters hold a national ID card, the State can make it either easier or more difficult for certain citizens to meet the requirements to vote; see *ibid*

⁸⁷Ronceray and Byiers, ‘Elections in Africa’ supra 12-13

⁸⁸*Ibid* 14

elections,⁸⁹ stifling unfavourable media outlet,⁹⁰ introducing restrictions on NGOs that engage with issues of democracy, transparency and elections in particular,⁹¹ and neutralizing the International election observation missions (EOMs) by denying them access to the most problematic places or parts of the voting process, pre-empting their media coverage, undermining their image and nurturing alternative EOMs under influence from autocratic countries ('shadow election observation groups').⁹²

5. Cultivate a Constituency: Divide the Others –Here, politicians mobilise constituencies along the lines of nation, gender, religion, class or ethnicity. In this approach, the competition for power positions translates into material and symbolic advantages for the groups whose representatives fare well in national elections.⁹³ Regardless if it is structured around ethnic, religious, geographic or economic interests, a network can be cultivated most easily by incumbents because their position allows them to channel public action or leverage their influence in a clientelistic pattern.⁹⁴ It is also possible to undermine rival constituencies. Such 'divide and rule' can take the shape of integrating part of the opposition within a ruling coalition, at least for the time of an electoral process.⁹⁵

6. Rescheduling the Election: It often takes time to set in motion the pre-election moves described above. Hence, the timing of elections is often a political move in itself. Postponing elections can therefore allow time to prepare for a more favourable result. But

⁸⁹GE El-Din, 'Egypt Parliament Approves Law Eliminating Judicial Supervision of Elections by 2024' [July 4 2017] *Ahramonline* <<http://english.ahram.org.eg/NewsContent/1/64/273037/Egypt/Politics-/Egyptparliament-approves-law-eliminating-judicial.aspx>> accessed 18 August 2020

⁹⁰Committee to Protect Journalists, 'Attacks on the Press 2009 – Madagascar' [February 16 2010] <<https://www.refworld.org/docid/4b7bc2e434.html>> accessed 18 August 2020; Freedom House, *Freedom of the Press: 2013 Report, Madagascar* (Freedom House 2015) <<https://freedomhouse.org/report/freedom-press/2013/madagascar>> accessed 18 August 2020

⁹¹ICNL-The International Center for Not-for-Profit Law, 'Civic Freedom Monitor: Ethiopia' *ICNL* [April 5 2019] <<http://www.icnl.org/research/monitor/ethiopia.html>> accessed 18 August 2020

⁹²MJ Debre and L Morgenbesser, 'Out of the Shadows: Autocratic Regimes, Election Observation and Legitimation' [2017] (23)(3) *Contemporary Politics*; 328–347

⁹³R Franck and I Rainer, 'Does the Leader's Ethnicity Matter? Ethnic Favoritism, Education, and Health in Sub-Saharan Africa' [2012] *American Political Science Review*; Ole Therikildsen and AKBak, 'Democratisation in Tanzania: No Elections Without Exemptions' [2019] *ICTD Working Papers Series* <https://opendocs.ids.ac.uk/opendocs/bitstream/handle/123456789/14544/ICTD_WP98.pdf> accessed 18 August 2020

⁹⁴P Chaisty, N Cheeseman and T Power, 'Rethinking the "Presidentialism Debate": Conceptualizing Coalitional Politics in Cross-Regional Perspective' [2012] *Democratization*

⁹⁵FS Bethke, 'The Consequences of Divide-and-Rule Politics in Africa South of the Sahara' [2012] *Peace Economics, Peace Science and Public Policy*

as for many of these ‘moves’, there can be legitimate and legal ways and reasons to reschedule elections (natural disasters maybe the most obvious ‘good’ reason), so a change in the calendar is not reason enough to call foul.⁹⁶

The six pre-election manoeuvres discussed above can be employed simultaneously and can mutually reinforce one another. Publicly questioning decisions taken and encouraging transparency around these strategies are all likely to alter the political calculations around such approaches.

4.2. During Elections

Though the most effective autocrats steal elections well before polling day,⁹⁷ when the electoral deadline draws near and if the odds seem uncertain, incumbents can resort to a number of last minute moves. These include vote-buying, voter intimidation or manipulation, but also taking control of information flows, falsifying results or simply claiming victory.

1. Vote Buying: This refers to tactics ranging from the distribution of food, money or other gifts to payments or favours in exchange for votes. According to Cheeseman and Klaas, substantial electoral bribery took place in over two-thirds of elections in Sub-Saharan Africa between 2012 and 2016.⁹⁸ If financial and other incentives, or ‘carrots’, do not work, ‘sticks’ might. Vote buying and voter intimidation are therefore often used in conjunction.⁹⁹

2. Voters Intimidation: This helps to keep opposition voters out of the polling stations. It is opined that a government’s decision to use election violence, much like the decision to use fraud, increases the probability that the incumbent wins the

⁹⁶Ronceray and Byiers, ‘Elections in Africa’ supra 16

⁹⁷Cheeseman and Klaas, *How to Rig an Election* supra

⁹⁸Ibid 76, 81-83; see also JF Bayart, ‘The State in Africa: The Politics of the Belly’ [Longman 1993]; J Gettleman, ‘Fueled by Bribes, Somalia’s Election Seen as Milestone of Corruption’ [February 7 2017] *The New York Times* <https://www.nytimes.com/2017/02/07/world/africa/somalia-electioncorruption.html?ref=world&_r=0> accessed 19 August 2020; E Kramon, ‘Money for Votes: The Causes and Consequences of Electoral Clientelism in Africa’ [2017] 3; PE Ejike, ‘Africa: “It’s Everywhere”: Vote-Buying Gets More Brazen in Nigeria Ahead of 2019’ [September 4 2018] *All Africa* <<https://allafrica.com/stories/201809060039.html>> accessed 19 August 2020; W Clowes, ‘Votes on Sale for \$50,000 Repulse Would-Be Senators in Congo’ [March 15 2019] *Bloomberg* <<https://www.bloomberg.com/news/articles/2019-03-15/votes-on-sale-for-50-000-repulse-wannabesensors-in-congo>> accessed 19 August 2020

⁹⁹See M Rauschenbach and K Paula, ‘Intimidating Voters with Violence and Mobilizing them with Clientelism’ [2019] *Journal of Peace Research* <<https://journals.sagepub.com/doi/abs/10.1177/0022343318822709>> accessed 19 August 2020

election.¹⁰⁰ Nonetheless, violence can be used by opposition groups as well.¹⁰¹ Intimidation does not always require actual violence but the credible threat of violence.¹⁰² In contrast to vote-buying, cases of voter intimidation are usually easier to identify and to challenge, for public and regional actors, even if they have limited powers to address them.

3. Voters Manipulation: A third strategy to influence voters' behaviour during the actual election is to sow confusion, using deceit and playing with the technicalities of an election process through *ad hoc* moves.¹⁰³ Manipulation often tends to increase in the last phases of electoral processes before voting, when there is less time for clarity to be made.¹⁰⁴ The comparative shortage of strong media outlets, the dominance of youth and lack of political literacy of citizens and their reliance on social media, make fake news problems similar in nature but more acute in Africa than other parts of the world.¹⁰⁵ 'Election silence' is a rule which may prevent some of these moves by ending campaigns a day or a few days before voting. But this is not common in African countries, and largely undermined by the fast pace of social media.¹⁰⁶

4. Take Over Information: Even more directly than fake news, incumbents can limit access to information either partially or completely prior to elections. Historically, this has meant locking down the media (radio, TV, newspapers), sometimes by physically taking over broadcasting infrastructure and headquarters. But the multiplication of private media and the advent of the internet and social media have shifted the focus of these manoeuvres to blocking websites and social media platforms or in some cases, a

¹⁰⁰EM Hafner-Burton, SD Hyde and RS Jablonski, 'Surviving Elections: Election Violence, Incumbent Victory and Post-Election Repercussions' [2016] *British Journal of Political Science*; Admin, 'Zimbabwe Election: UN Body Warns of Voter Intimidation' [July 24 2018] *BBC News* <<https://www.bbc.com/news/world-africa-44938919>> accessed 19 August 2020

¹⁰¹H Uguru, 'Nigeria Election Observers Criticize Intimidation, Violence' [March 11 2019] *AP* <<https://www.apnews.com/96882f5810374798896490d34d7610a4>> accessed 19 August 2020

¹⁰²Cheeseman and Klaas, *How to Rig an Election* supra

¹⁰³Admin, 'Zimbabwe Election: A Guide to Rigging Allegations' [August 7 2013] *BBC News* <<https://www.bbc.com/news/world-africa-23591941>> accessed 19 August 2020

¹⁰⁴Herman Wasserman, 'Fake News from Africa: Panics, Politics and Paradigms' [2017] *Journalism*; Alphonse Shiundu, 'Kenya's Media Battles Fake News as the General Election Beckons' [2017] *Africa Check* <<https://africacheck.org/2017/05/11/kenyas-media-battles-fake-news-general-election-beckons/>> accessed 19 August 2020; Alex Booth, 'Africa's Fake News Problem' [2019] *The Africa Report*

¹⁰⁵Booth, 'Africa's Fake News Problem' supra

¹⁰⁶D Bijlani, 'The Need to Revisit Election Silence Rules' [October 8 2018] *The Telegraph* <<https://www.telegraphindia.com/opinion/the-need-to-revisit-election-silence-rules/cid/1671317>> accessed 19 August 2020

complete shutdown of internet and cellular connection in the country.¹⁰⁷ Regimes can also use ties with private telecommunication companies and control over state-owned companies to send information messages confirming ‘their’ version of the reason for shutdown, as happened in Zimbabwe in early 2019.¹⁰⁸ Taking over information can be done as a separate measure or part of the declaration of a state of emergency, which gives the executive extraordinary powers.¹⁰⁹

5. Falsify the Results: Of the actions that can be taken to alter the course of an election, stuffing ballot boxes is perhaps one of the most notorious and also the most widely denounced by opposition, election observers and the media. There were allegations of ballot box stuffing during the latest South African election,¹¹⁰ with similar reports following the 2018 presidential election in Mali.¹¹¹

6. Claim Victory: A variation on results falsification is to simply dismiss any result coming from vote counting and announce results that bear little or no resemblance to the tallied votes.¹¹² To checkmate this, it is possible to offer incentives for incumbents to admit defeat, to some extent. In this spirit, the Mo Ibrahim Foundation Prize aims to reward democratically elected country leaders who stepped down after their term in office. Howbeit, the model is still controversial e.g. as to what extent the cash and

¹⁰⁷Admin, ‘How African Governments Block Social Media’ [April 25 2016] *BBC News*<<https://www.bbc.com/news/worldafrica-36024501>> accessed 19 August 2020; N Haque, ‘Internet Censorship Tightens in Senegal before Elections’ [November 30 2018] *Al Jazeera*<<https://www.aljazeera.com/news/2018/11/internet-censorship-tightens-senegal-elections-181130125836487.html>> accessed 19 August 2020; Admin, ‘DR Congo Internet Restored After 20-day Suspension over Elections’ [January 20 2019] *Al Jazeera*<<https://www.aljazeera.com/news/2019/01/dr-congo-internet-restored-20-day-suspension-elections-190120062941741.html>> accessed 19 August 2020

¹⁰⁸AP, ‘Explainer: 2019, a Busy Year for African Internet Shutdowns’ [January 21 2019] *News24*<<https://www.news24.com/Africa/News/explainer-2019-a-busy-year-for-african-internet-shutdowns-20190121>> accessed 19 August 2020

¹⁰⁹M Mogel-Gerbi, ‘Ethiopia Lifts State of Emergency Two Months Early’ [June 5 2018] *CNN*<<https://edition.cnn.com/2018/06/05/africa/ethiopia-lifts-state-of-emergency/index.html>> accessed 19 August 2020; Admin, ‘Sudan’s Omar al-Bashir Declares State of Emergency’ [February 23 2019] *BBC News*<<https://www.bbc.com/news/world-africa-47330423>> accessed 19 August 2020

¹¹⁰Admin, ‘Holomisa Shares Video of Alleged Malpractice by Elections Officials: Video’ [May 7 2019] *Times Live*<<https://www.timeslive.co.za/politics/2019-05-07-holomisa-shares-video-of-alleged-malpractice-by-election-officials/>> accessed 19 August 2020

¹¹¹C Sabourin, ‘Suspicion of Electoral Fraud Revives Civilian Tensions in Mali’ [August 7 2018] *Mail & Guardian*<<https://mg.co.za/article/2018-08-07-suspicion-of-electoral-fraud-revives-civilian-tensions-in-mali>> accessed 19 August 2020

¹¹²For example see Admin, 2019. ‘Cameroon: Maurice Kamto Declares Himself Winner of Presidential Election’ [August 10 2019] *Africa News*<<https://www.africanews.com/2018/10/08/cameroon-maurice-kamto-declares-himself-winner-of-presidential-election/>> accessed 19 August 2020; K Berwouts and F Reyntjens, ‘The Democratic Republic of Congo: The Great Electoral Robbery’ [2019] (25) *Africa Policy Brief*<<http://www.egmontinstitute.be/content/uploads/2019/04/APB25.pdf?type=pdf>> accessed 19 August 2020

prestige attached to such a prize can incentivise them to abide by the electoral rules of the game.¹¹³ For challengers, claiming victory is sometimes the first step in attempting to get an unfavourable election result annulled, e.g. by lodging a complaint with a court of law.

4.3. After the Elections

1. Go to Court: After elections in Africa, almost every unsuccessful candidate challenges all or some aspects of the election in the courts, relying on some legal basis as per their constitution, electoral laws, or sometimes, international commitments.¹¹⁴ This is an attempt to sway election outcome.¹¹⁵ Patronage appointments to the courts fundamentally challenge the independence of the judiciary from the executive branch. Governments in countries that have an independent body for judicial review may have greater incentives to exert influence over the appointment of judges to ensure court rulings in their favour, for example in highly contested elections. This highlights the need for the public and key stakeholders to follow closely institutional changes in-between elections and to engage if possible to maintain neutrality, and not only capacity, of the judiciary.

The other machinations available to an unsuccessful candidate after elections include rallying the neighbours (such as the member state of the African Union, Regional Economic Communities, ECOWAS or SADC etc.) for support,¹¹⁶ mobilising the international community to

¹¹³A Olukoju, 'The Concept and Practice of Good Governance: Lessons from Nigerian History'[2018] (6)(1) *UNILAG Journal of Humanities*; 22-42

¹¹⁴JT Omenma, 'Courts' Involvement in the Electoral Process and Their Impact on Improving Election Quality in Nigeria' [2019] (38)(1) *Politeia*; 1 <<https://www.researchgate.net/publication/335381126>> accessed 20 August 2020

¹¹⁵For example see J Burke, 'Kenyan Election Annulled after Result Called before Votes Counted, says Court' [September 20 2017] *The Guardian* <<https://www.theguardian.com/world/2017/sep/20/kenyan-election-rerun-not-transparent-supreme-court>> accessed 19 August 2020; K Diagana, 'Mauritania Opposition Candidates Challenge Presidential Election Result' [June 26 2019] *Reuters* <<https://www.reuters.com/article/us-mauritania-election/mauritania-opposition-candidates-challenge-presidential-election-result-idUSKCN1TR1FO>> accessed 19 August 2020

¹¹⁶See F Aggad and L Miyandazi, 'Understanding ECOWAS Efforts in Promoting a Governance Agenda' [March 2017] *ECDPM PEDRO Background papers* <<https://ecdpm.org/wp-content/uploads/ECOWASGovernance-Background-Paper-PEDRO-Political-Economy-Dynamics-Regional-Organisations-Africa-ECDPM-2017.pdf>> accessed 20 August 2020; Antonia Witt, 'Where Regional Norms Matter: Contestation and the Domestic Impact of the African Charter on Democracy, Elections and Governance' [2019] *Africa Spectrum*; R Chikohomero, 'Elections and Stability in SADC: The Zimbabwe Case' [2019] *Africa Portal* <<https://www.africaportal.org/publications/elections-and-stability-sadc-zimbabwe-case/>> accessed 20 August 2020

either criticise or endorse an electoral process,¹¹⁷ mobilising the street,¹¹⁸ making a deal, and when all fails, admitting defeat and moving on.¹¹⁹

5.0 Conclusion

As the new democracies in Africa make the transition from authoritarian rule in the 1990s begun to emerge from their infancy, scholars have shifted their attention from enquiring about transitions from authoritarian regimes to investigating the problems related to the consolidation of democracy. Current academic enquiries dwell on the quality and long-term prospects of democracy in post-transition countries. In other words, they focus on whether such democracies are prone to surrendering to a new kind of authoritarian rule or whether they will prove to be stable or ‘consolidated’.¹²⁰ We have shown in this study that one of the biggest challenges in recent African history has been organizing elections with integrity, that is, elections that are based on the principles of universal suffrage, political equality, transparency and respect for the rules, and accountability to the people.¹²¹ We provide the taxonomy of rigging strategies and relate these to recent and on-going election processes in Africa. Essentially, our analysis should provide a framework of methods used to sway electoral processes to help policymakers and other relevant stakeholders alter or adapt their approaches to election in complex contexts; for example, by avoiding supporting ‘facades’ and focusing on key functions of electoral democracy.

¹¹⁷Debre and Morgenbesser, ‘Out of the Shadows’ supra; M Ronceray and F Aggad, ‘Do we Expect Too Much from Election Observation Missions?’ [February 2018] *ECDPM Blog* <<https://ecdpm.org/talking-points/do-we-expect-too-much-from-election-observation-missions/>> accessed 20 August 2020

¹¹⁸V Arnould, A Tor and A Vervaeke, ‘Africa Uprising?: The Protests, the Drivers, the Outcomes’ [December 1 2016] *European Union Institute for Security Studies (EUISS)* <www.jstor.org/stable/resrep06751> accessed 20 August 2020; Admin, ‘Mali Crisis’ supra

¹¹⁹Ronceray and Byiers, ‘Elections in Africa’ supra 26-27

¹²⁰Omenma, ‘Courts’ Involvement in the Electoral Process’ supra

¹²¹Ibid 2